

7 AUGUST 1946

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of
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7 AUGUST 1946

I N D E X

Of

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1 Q Did the Japanese military advisers, such as
2 SAKURAI, NAKAJIMA, KASAI, and TERAHIRA, endeavor for
3 bringing about the peace?

4 A In a way, yes. Although they did something
5 in the bringing about of peace, but peace was never
6 realized.

7 Q Was the man who endeavored for establishing
8 peace called SAKURAI? Was he SAKURAI, Tokutaro?

9 A I only know that this adviser by the name
10 of SAKURAI -- I don't know his initials.

11 Q Did Japanese diplomats also make efforts
12 for the peace movement?

13 A Superfluously, the Japanese diplomats did
14 something. But whether in their hearts they favored
15 the peace proposals or not, I don't know.

16 Q Is Mr. Witness aware of the fact that on
17 the 28th of July, the next day of the Chinese attack
18 on Fengtai, General KATSUKI, Commander-in-Chief of
19 the Japanese garrison in Tientsin, issued notice to
20 Chinese forces, saying that the Japanese side was
21 obliged to resort to punitive operations having ex-
22 hausted all means of settlement?

23 A I didn't know anything about that.

24 Q In the second page of your affidavit, Mr.
25 Witness, you state that the prohibition of the sale

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25 Witness, you state that the prohibition of the sale

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1 or the purchase of land became the cause of
2 Lukouchiao Incident. Now, Mr. Witness, are there
3 any relationship between the prohibition of the sales
4 or the purchase of land and the Lukouchiao Incident?

5 THE MONITOR: Slight correction: Prohibi-
6 tion should become impossible. Prohibition of land
7 became impossible.

8 A The reason that the Japanese wanted to buy
9 the land was because they want to build some bar-
10 racks and an airfield, and the reason for building
11 them was to drive on Lukouchiao.

12 Q Then, Mr. Witness, there is no connection
13 whatsoever between the Lukouchiao Incident, which
14 happened on the 7th of July, 1937, between the
15 problem of the purchase and sale of land?

16 A We can't say that there was no direct
17 relationship between the sale of land and the inci-
18 dent.

19 Q Judging from your answers, would it not be
20 possible to conclude that the Chinese side was re-
21 sponsible for aggravating minor military battle,
22 which it could have been settled locally and diplo-
23 matically, into a large scale war?

24 A The responsibility should be the Japanese
25 because the Japanese did not carry out one of the

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1 terms which both parties agreed on.

2 CHINESE MONITOR: The Japanese carried out
3 none of the terms.

4 THE PRESIDENT: Counsel, your lengthy
5 cross-examination deduced nothing of any value so
6 far. Do you think you ought to continue it?

7 MR. HAYASHI: That is all, your Honor.

8 MR. LEVIN: Mr. President, there is no
9 further examination on the part of the defense.

10 COLONEL MORROW: No redirect examination,
11 if the Court please.

12 (Whereupon, the witness was
13 excused.)

14 - - -

15 THE PRESIDENT: Colonel Morrow.

16 COLONEL MORROW: If the Court please, I
17 desire to present for consideration an affidavit of
18 Colonel David D. Barrett and ask the Court's per-
19 mission to file the same as an exhibit in this case.

20 THE PRESIDENT: Is he being called here?

21 COLONEL MORROW: No, sir. I want to explain
22 that, if the Court please. There are two reasons
23 why I am submitting this affidavit: In the first
24 place, it is cumulative evidence concerning this
25 Lukouchiao Incident and what surrounded it. In the

1 second place, Colonel Barrett has been here but, on
2 urgent public business, was returned or had to re-
3 turn to help General Marshall in China, he being --
4 assisting General Marshall in his present negotiations
5 there.

6 THE PRESIDENT: If there is no objection by
7 the defense we will, of course, admit it, but it
8 will be subject to the deponent being called for
9 cross-examination if necessary or desirable.

10 Mr. Levin.

11 MR. LEVIN: We desire to object to the use
12 of this affidavit on the ground that, in the first
13 place, I believe the Court has under consideration
14 the matter of the use of affidavits where the wit-
15 nesses cannot be cross-examined, and has yet not
16 passed on it.

17 Colonel Barrett was here, and the prosecu-
18 tion knew the character of his functions with General
19 Marshall, and I am sure the Court would have permit-
20 ted him to testify out of order, and we would have
21 consented thereto.

22 THE PRESIDENT: We will admit the affidavit
23 on those terms, that the deponent may be called
24 later if necessary or desirable, and also may be
25 subject to interrogatories on the affidavit by the

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2 urgent public business, was returned or had to re-
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19 Marshall, and I am sure the Court would have permit-
20 ted him to testify out of order, and we would have
21 consented thereto.

22 THE PRESIDENT: We will admit the affidavit
23 on those terms, that the deponent may be called
24 later if necessary or desirable, and also may be
25 subject to interrogatories on the affidavit by the

1 defense even if he is not called.

2 CLERK OF THE COURT: Document No. 1946
3 will be marked exhibit No. 249.

4 (Whereupon, prosecution's exhibit
5 No. 249 was received in evidence.)

6 MR. LEVIN: Mr. President, could I be heard
7 further?

8 THE PRESIDENT: Well, that is our decision.
9 We think the defense will be fully protected in
10 that way.

11 COLONEL MORROW: If the Court please, I do
12 not desire to mislead the Court, and I ought to
13 state at this time that there may be some difficulty
14 in getting Colonel Barrett at any particular time on
15 account of his present duties. But, no doubt, inter-
16 rogatories can be addressed to him in the event it
17 is not possible to get him at any given time.

18 THE PRESIDENT: If we think that he should
19 be called here, that mere interrogatories are not
20 sufficient, and if he is not called, then, no doubt,
21 we will reject his affidavit. You take that risk.

22 MR. BROOKS: In view of what the prosecution
23 said, if the Tribunal please, I think it would be a
24 saving of time and would also save some additional --
25 give some additional protection to the defense since

1 the prosecution has said that the man might not be
2 called, and the Court has said that it might reject
3 this later on, and the prosecution has also said that
4 this affidavit is cumulative -- I would like to re-
5 quest the Court that we call this man later out of
6 turn for direct questioning and cross-examination
7 at that time. And the defense would not object to
8 such proceeding, and I think it would give fair
9 justice to everyone in that case. It would save time
10 and would also save a summary of his evidence being
11 put in in this fashion.

12 THE PRESIDENT: We think the defense should
13 administer cross-interrogatories if they really think
14 it is worthwhile.

15 COLONEL MORROW: Do I understand your Honor
16 to mean that I may read this affidavit now?

17 THE PRESIDENT: Yes, read it. It is ad-
18 mitted. You must read it.
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1 COLONEL MORROW: (Reading).

2 "A F F I D A V I T

3 "COLONEL DAVID D. BARRETT, General Staff
4 Corps, U. S. Army, Acting Military Attache, Embassy
5 of the United States of America, Nanking, China,
6 deposes and states as follows:

7 "I was Assistant Military Attache of the
8 Embassy of the United States of America, Peiping,
9 China, in July 1937. My commanding officer, the
10 Military Attache, was General (then Colonel) Joseph
11 W. Stillwell. On the morning of 9 July 1937
12 Colonel Stillwell directed me to proceed to Wan-
13 pinghsien, generally referred to by the Chinese as
14 Lukuochiao, a small walled city about ten miles
15 southwest of Peiping near which is located the
16 bridge commonly known as the 'Marco Polo Bridge'.
17 Colonel Stillwell directed me to investigate and
18 report on the situation at Wanping, as he had been
19 informed that a clash had taken place there the
20 day before between forces of the Chinese 29th Army
21 and Japanese troops who had been conducting maneu-
22 vers in the vicinity for several days.

23 "I arrived at Wanping about 0800, and found
24 the east gate shut and barricaded. Some small
25 houses near the gate had been demolished, apparent-

1 ly by mortar fire from positions outside the town.
2 One or two sentries were visible on the city wall,
3 but there were no Chinese soldiers or civilians to
4 be seen outside the city. A sentry posted on the
5 wall above the gate shouted to me that I could not
6 enter the city.

7 "I then walked around the northeast corner
8 of the city wall to the Peking-Hankow railway at
9 a point approximately due north of the city. There
10 I found a battalion of Japanese infantry assembled
11 along the north side of the railway. A few sen-
12 tries were posted along the top of the railway em-
13 bankment observing the city of Wanping to the south.
14 I observed one or two dead Japanese soldiers lying
15 near the railway embankment.

16 "From the Japanese position behind the
17 railway embankment I then proceeded past the north-
18 west corner of the city wall and into Wanping
19 through the west gate which was shut, but not bar-
20 ricaded. Some Chinese sentries were posted on
21 the Marco Polo Bridge just west of the city and at
22 points near the ends of the bridge.

23 "Inside the city I visited the office
24 of the Hsien Magistrate where police officials
25 showed me damage apparently caused by mortar fire

1 from outside the walls. The police officials in-
2 formed me that the Hsien Magistrate was in Peiping
3 consulting with the mayor. The officials gave me
4 an account of what had happened since the night
5 of July 7-8. This account was substantially the
6 same as that contained in the **affidavit** presented
7 by General Chin To-chun and Mr. Wang Len-chai,
8 which I have read. I then returned to Peiping.

9 "During the time I was visiting the city
10 and adjacent areas there were only a few scattered
11 shots exchanged between Chinese sentries on the
12 wall and Japanese troops behind the railway em-
13 bankment.

14 "On my return to Peiping I reported to
15 Colonel Stilwell what I had observed substantially
16 as noted above, and stated that as far as I could
17 determine the clash had been on a very small scale
18 and was not nearly so serious as many other
19 clashes which had occurred since September 18,
20 1931. I further stated that I believed the in-
21 cident could easily be settled if the Japanese
22 really so desired, as I had observed absolutely
23 no signs of any aggressive attitude on the part of
24 the Chinese.

25 "On at least five different occasions be-

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2 formed me that the Hsien Magistrate was in Peiping
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22 really so desired, as I had observed absolutely
23 no signs of any aggressive attitude on the part of
24 the Chinese.

25 "On at least five different occasions be-

1 tween 9 July and 25 July, I visited Wanping, and
2 on at least two of these occasions I accompanied
3 the Military Attache, Colonel Stilwell. During
4 these visits I observed evidences of fighting on
5 a small scale near Wanping between Chinese and
6 Japanese forces, but at no time did I actually
7 see any such fighting, although occasionally I
8 heard a few shots fired. It was my firm conviction
9 during this period that the incident could
10 have been settled at any time the Japanese so desired.
11 In many discussions of the situation between
12 Colonel Stilwell and myself we agreed that
13 we could see no indications whatsoever that the
14 Chinese would refuse a settlement of the incident,
15 even if it involved further extension of Japanese
16 military authority in North China.

17 "On or about 12 July, Colonel Stilwell
18 and I were informed that a settlement of the incident
19 had been or was just about to be effected
20 and Japanese forces were to be withdrawn from
21 near Wanping. We visited Wanping on the morning
22 of 14 July and observed Japanese forces assembling
23 on the road at a point about a mile east of the
24 city. Some of these troops were actually moving
25 east on the road toward Peiping. We visited Wanping

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23 on the road at a point about a mile east of the
24 city. Some of these troops were actually moving
25 east on the road toward Peiping. We visited Wanping

1 and found all quiet there. On our way back to
2 Peiping, however, we observed that the with-
3 drawal of Japanese forces toward the city had
4 apparently been halted and we saw some troops
5 moving west again. We were at a loss to explain
6 this apparently sudden development as we had
7 seen or heard nothing in or near Lukuochiao which
8 would indicate any aggravation of the situation
9 which had prevailed since the night of 7-8 July.

10 "On the morning of 28 July I observed
11 Japanese planes attacking an area to the south
12 of the city of Peiping. I estimated this area
13 to be the Nanyuan Airfield, about ten miles
14 south of the city. Later in the day I observed
15 Chinese infantry straggling into the city along
16 the street which runs to one of the gates lead-
17 ing to the Nanyuan Airfield. These troops did
18 not appear to have been engaged in combat, but
19 something had evidently occurred which had dis-
20 rupted their normal military organization.

21 "On or about 31 July Colonel Stilwell
22 and I went outside the gate of the city through
23 which the road runs to Nanyuan Airfield. About
24 a mile south of the gate we found hundreds of
25 dead bodies of men and horses and quantities of

1 materiel lying on the road, indicating that a
2 Chinese unit had been attacked while in close
3 column. Numerous wounded, still alive, were in
4 the ditches on both sides of the road and in the
5 nearby fields. Hundreds of corpses, rotting in
6 the summer heat, were still jammed in the trucks
7 in which Chinese troops had been riding when the
8 Japanese attacked. It was evident that the
9 Chinese unit had been taken by surprise and had
10 had no time to deploy. Identification badges
11 on dead bodies indicated that the unit was the
12 Special Brigade of the 37th Division, 29th Army.

13 "As the Japanese attack on Peiping on
14 28 July came from the south and this Chinese unit
15 was moving north when attacked, I believe the
16 Chinese troops had no aggressive intentions what-
17 soever and were seeking merely to withdraw within
18 the gates of Peiping.

19 "I was stationed in Tientsin, China,
20 with the 15th U. S. Infantry, from October 1931
21 to October 1934, during which period I was as-
22 signed as Assistant Intelligence Officer and In-
23 telligence Officer of the regiment. I returned
24 to China again in July 1936 as Assistant Military
25 Attache of the Embassy of the United States of

1 America in Peiping, and have served in China ever
2 since. The nature of my duties during the three
3 years I was stationed in Tientsin, and during
4 the year I served in Peiping prior to the Japa-
5 nese attack on Wanping, afforded me an unusually
6 fine opportunity to observe the conduct of Japanese
7 troops in China during this period.
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1 "I consider that the conduct of the
2 Japanese troops towards the Chinese during the
3 period referred to was arrogant and offensive, and
4 that their actions in many instances constituted an
5 insult to and direct violation of the sovereign
6 rights of the Chinese nation.

7 "During a period of at least seven days,
8 either late in October or early in November of 1931,
9 clashes occurred in Tientsin between Chinese police
10 and Japanese forces stationed in the city. The
11 Japanese alleged that the clashes were provoked by
12 the actions of Chinese police stationed in an area
13 adjacent to the Japanese concession in Tientsin.
14 I personally observed the measures taken by the Jap-
15 anese as a result of the incident and, in my opinion,
16 they were far more severe and on a much larger scale
17 than the importance of the incident justified. At
18 one time during the period of tension resulting from
19 the incident, Japanese military forces were deployed
20 in a position from which they could have attacked
21 the large and important area of Tientsin known as
22 the Chinese City. The Japanese officer in command
23 of the force deployed informed me at 1600 one after-
24 noon that Japanese forces would begin an attack on
25 the area in question at 1830. The attack never took

1 place. Why, I do not know.

2 "During the first few days of January, 1932,
3 Japanese forces attacked and occupied the city of
4 Shanhaikuan. The Japanese alleged they had at-
5 tacked because of aggressive actions on the part
6 of Chinese forces stationed in Shanhaikuan at the
7 time. I visited Shanhaikuan two or three days after
8 the Japanese occupied the city and made a careful
9 investigation of the situation. I was unable to find
10 any definite proof that Chinese forces had provoked
11 the incident. Here again the measures taken by the
12 Japanese appeared to me out of all proportion to the
13 importance of the incident itself, regardless of the
14 causes thereof.

15 "In my opinion, the action of the Japanese
16 in conducting night maneuvers near Wanping during
17 the first week of July 1937 was deliberately pro-
18 vocative. The Japanese could not but have been
19 aware of the strained relations then existing be-
20 tween Japan and China, and of the chances for mis-
21 understanding and friction which might arise during
22 such maneuvers. The fact that movements of large
23 Japanese forces from Manchuria to areas south of the
24 Great Wall began within a period of twenty-four
25 hours after the Japanese attack at Wanping inevitably

1 suggests that the Wanping incident was the carefully
2 prepared excuse for the second stage of Japan's un-
3 declared war on China, the first stage having been
4 begun at Mukden on the night 17-18 September 1931."

5 This is signed by the affiant and sworn to.
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1 THE PRESIDENT: In view of what he says
2 and claims to know, he should be here for cross-
3 examination, and we will take no action on his
4 affidavit until he is produced.

5 Mr. Smith.

6 MR. SMITH: If your Honor please, are we
7 to understand now that this affidavit is not in
8 evidence any longer?

9 THE PRESIDENT: It is in evidence. We have
10 admitted it, of course, but we insist on General
11 Marshall being called -- Colonel Barrett, I should
12 say.

13 MR. BROOKS: If the Court please, for the
14 matter of the record, in case the witness is
15 called -- Colonel Barrett -- for cross-examination,
16 I would like at this time to enter an objection to
17 the affidavit because it is based on leading ques-
18 tions and questions that have called for conclusions.

19 THE PRESIDENT: That whole question has been
20 discussed and argued out long ago.

21 MR. BROOKS: There is a little difference
22 here in that it states in the affidavit that the
23 Colonel had read the statements or affidavits of
24 other witnesses, and it might be considered as being
25 similar to having him sit in Court and listen to the

1 witnesses testifying, which would not be permitted,
2 and those conclusions over a long period of time
3 might have been arrived at very easily by what he
4 had read which is similar to what he would have
5 heard in the courtroom when other witnesses were
6 testifying. That is my objection in this case.

7 THE PRESIDENT: We are fully aware of the
8 objections to affidavit evidence, but Colonel
9 Barrett will be called.

10 We will recess now for fifteen minutes.

11 (Whereupon, at 1445, a recess was
12 taken until 1100, after which the proceed-
13 ings were resumed as follows:)

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Smith.

MR. SMITH: Your Honor, the affidavit of
Colonel Barrett came to my attention just about five
minutes before it was read, and --

THE PRESIDENT: We have heard enough about
that.

MR. SMITH: Your Honor, I would like to
make a motion to strike it out, and to state the
grounds of the objection.

THE PRESIDENT: Nothing can be gained by
continuing this discussion. We are not going to
review our decision.

Colonel Morrow.

COLONEL MORROW: If the Court please, I
desire to take out of strict chronological order,
although a witness I had intended to have eventually
-- a Chinese citizen who has been here since the 12th
of June, and who desires to get back to the Republic
of China.

THE PRESIDENT: What is he going to testify
about?

COLONEL MORROW: He is going to testify
concerning the killing of military prisoners, and

1 those suspected of being military men at Nanking.

2 THE PRESIDENT: Why did you not call him
3 when Professor Bates was called?

4 COLONEL MORROW: Well, it is my recollection
5 that we were ready, but there was not a chance at
6 that time to do so.

7 THE PRESIDENT: Who deprived you of the
8 chance?

9 COLONEL MORROW: It was a matter, if the
10 Court please, of priorities. There were many wit-
11 nesses clamoring to get back home. What I meant to
12 convey, if the Court please, is that these witnesses
13 have received no fees or mileage, and I persuaded this
14 witness to wait cheerfully, longer than some of the
15 others were willing to wait.

16 THE PRESIDENT: We propose to take him. What
17 have the defense to say about it?

18 Major Furness.

19 MR. FURNESS: We cannot very well say, sir.
20 He apparently is on the list. If they just want to
21 call him, not in the same order on the list, we have
22 no objection to it.

23 THE PRESIDENT: Call him.
24
25

LIANG

DIRECT

1 L I A N G T I N G - F A N G , called as a witness
2 on behalf of the prosecution, being first duly
3 sworn, testified as follows:

DIRECT EXAMINATION

BY COLONEL MORROW:

6 Q What is your name, and what is your resi-
7 dence?

8 A My name is Liang Ting-Fang, and I live in
9 No. 9 Kong Chia-Fang, Nanking.

10 Q I will hand you a document written in
11 Chinese and ask you if you can identify it and ex-
12 plain what it is?

13 A This is a written document and is an affidavit.

14 Q Did you write that document or sign it?

15 A Yes.

16 Q Do you take that as your sworn statement in
17 this case?

18 A Yes.

19 THE PRESIDENT: Are the contents true?

20 THE WITNESS: Yes, they are true.

21 COLONEL MORROW: I will ask, if the Court
22 please, that this document, which is No. 1743, be
23 received in evidence. I also desire to give to the
24 Clerk a certificate indicating its translation.

25 THE PRESIDENT: Admitted.

LIANG

DIRECT

1 CLERK OF THE COURT: Prosecution's document
2 No. 1743 is marked exhibit 250.

3 (Whereupon, prosecution's exhibit
4 No. 250 was received in evidence.)

5 COLONEL MORROW: Shall I commence the read-
6 ing of the same?

7 THE PRESIDENT: Yes.

8 COLONEL MORROW: (Reading)

9 "STATEMENT OF CAPTAIN LIANG TING-FANG

10 "I was in the Medical Corps and after the
11 Chinese Army was retreating from Shanghai to Nanking
12 and when we were stationed in NANKING, it appeared
13 that the city would be taken and we were given orders
14 to stay in NANKING and take care of the Chinese
15 wounded, and stay there after the Japanese took the
16 city. We found that the Red Cross was no protection,
17 and therefore dressed in civilian clothes, and we
18 were in a refugee camp when the Japanese took the
19 city. On the sixteenth, we were ordered by the
20 Japanese to proceed to Shsia Kwan, on the Bank of
21 the River YANGTSE, in Nanking. I estimate there
22 were above 5,000 who were marched 4 abreast, and
23 the line was 3/4 of a mile long. When we arrived
24 there we were placed in a line near the River, and
25 on either side of the line there formed and in front

LIANG

DIRECT

1 of line were machine guns and Japanese soldiers, with
2 the machine gun pointing at the line. There were two
3 trucks carrying rope, and men were tied five in a
4 group with their wrists tied below their backs, and
5 I saw the first men who were shot by rifles in such
6 groups and who were then thrown in the river by the
7 Japanese. There were about 800 Japanese present,
8 including officers, some of whom were in sedan
9 automobiles. We were lined up on the edge of the
10 river, and before our wrists were bound, my friend
11 saw that rather than die in this way, he would
12 sooner jump in the river and be drowned. We started
13 from the refugee camp about five o'clock in the even-
14 ing, arrived at the bank of the river about seven
15 o'clock and the binding of the prisoners, and shoot-
16 ing kept up until two o'clock. The moon was shining
17 at the time, and I saw what was happening, and my
18 watch was on my wrist. My friend and I decided to
19 escape after the shooting had been going on for 4
20 hours, and about eleven o'clock my friend and I
21 made a dash for the river, and jumped in it. The
22 machine guns fired at us, but we were not hit.
23 There was a steep bank of the river, and as we
24 found the water was only waist deep we hid under
25 the steep bank, and the shadow prevented the Japs

LIANG

DIRECT

1 from seeing us. However, they fired at us with
2 machine guns, and shot me in the shoulder. The
3 shooting of prisoners kept up until 2 o'clock in
4 the morning. I fainted from loss of blood, and when
5 I wakened in the morning, my friend was gone. He
6 afterwards told me he thought I was dead. I then
7 crawled up the river bank, and hid in a hut nearby.
8 This was about two o'clock, but before sunrise.
9 I stayed in the hut for three days without food
10 or water, and then a Japanese soldier came up
11 and burnt the hut. When the hut was being burnt
12 I crawled out, and the Japanese soldier found me.
13 One of the officers questioned me, and I told him
14 I was a civilian, and was a coolie hired by the
15 Japanese Army to carry burdens. The officer did
16 not ask me about my wound. The officer gave me a
17 pass to go home, and I did so.

18 "When they were lining up the men at
19 the refugee camp several Americans whose names
20 I do not know, tried to prevent the Japanese from
21 marching us to the river, but they were ordered
22 away, and were unsuccessful in preventing the
23 massacre.

24 "There were a few other cases of persons
25 who jumped into the river, but the Japanese at once

LIANG

DIRECT

1 shot at them, and I do not know if any of them got
2 away. As far as I know, my friend and I were the only
3 two to escape. During the shooting I heard one young
4 man call out 'Long live China', but no other sound
5 except the shooting.

6 "I finally got back to Free China after
7 being captured once again, but I got away to Free
8 China in June, 1938.

9 "I had this statement translated to my by
10 Colonel TU, and the statement is correct."
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LIANG

CROSS

I now ask for cross-examination.

CROSS-EXAMINATION

BY MR. ITO:

Q In your affidavit, Mr. Witness, you state at the time of the fall of Nanking you took off your military uniform and put on civilian clothes, and remained in Nanking. Now, besides you, how many others changed from military uniforms into civilian clothes -- besides yourself?

THE MONITOR: In the Chinese Army.

A I didn't see any others who changed their dress.

Q I have heard that at that time the City of Nanking was littered with military uniforms. Was that not the case?

A I was hiding myself in the refugee center, and I didn't see uniforms.

Q Where did you obtain the civilian clothes into which you said you changed?

A I had them with me.

COLONEL MORROW: I raise the question of materiality, if the Court please.

THE PRESIDENT: Yes. It is already answered.

Q Did you have these -- your civilian clothes -- in normal times in order to change into them at the

LIANG

CROSS

1 time of defeat or retreat?

2 A By that time I was nocombatant. I was with
3 the medical corps, ordered to tend to the wounded.

4 Q Then you were not a soldier -- a military man,
5 then?

6 COLONEL MORROW: The materiality, if the
7 Court please.

8 THE PRESIDENT: The witness need not answer.

9 MR. ITO: That is all.

10 THE PRESIDENT: Mr. Levin.

11 MR. LEVIN: Mr. President, no further exami-
12 nation on the part of the defense.

13 COLONEL MORROW: No redirect, if the Court
14 please.

15 (Thereupon, the witness was excused.)

16 - - - -

17 COLONEL MORROW: (Continuing) If the Court
18 please, I desire to call next General TADA, Hayao,
19 of the Japanese Army, retired.
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TADA

DIRECT

1 H A Y A O T A D A, called as a witness on behalf
2 of the prosecution, being first duly sworn,
3 testified as follows:

DIRECT EXAMINATION

BY COLONEL MORROW:

6 Q I will ask the witness to give his name
7 and present address.

8 A My name is TADA, Hayao. My present address
9 is 567 Kawano, City of Tateyama, Chiba Prefecture. I
10 am now engaged in farming.

11 Q I will hand the witness a statement, No. 2213,
12 and ask him if he can identify the same, and if it is
13 his statement?

14 A This is mine.

15 Q Is it true?

16 A Yes.

17 COLONEL MORROW: If the Court please, I would
18 like to present this statement in the Japanese language,
19 which is marked exhibit 2213.

20 THE PRESIDENT: It is already in evidence. The
21 number of the prosecution document is 2213.

22 COLONEL MORROW: I see, my mistake.

23 THE PRESIDENT: You are tendering it, are you?

24 COLONEL MORROW: I am tendering that; yes, sir.

25 THE PRESIDENT: Admitted on the usual terms.

TADA

DIRECT

1 CLERK OF THE COURT: Prosecution Document No.
2 2213 marked exhibit No. 251.

3 (Whereupon, prosecution's exhibit
4 No. 251 was received in evidence.)

5 COLONEL MORROW: May I proceed, sir?

6 THE PRESIDENT: Yes.

7 COLONEL MORROW (Reading):

8 "A F F I D A V I T

9 "General TADA, Hayao, Japanese army, deposes and
10 states as follows:

11 "I was a general in the Japanese Army August
12 1937 through December 1938 and my assignment was Vice
13 Chief of the General Staff at Tokyo.

14 "As such, I made the plans for the capture
15 of Japanese armed forces --

16 THE PRESIDENT: "campaign".

17 COLONEL MORROW: Did I say "campaign"?

18 (Continuing reading):

19 --"culminating in the capture of Shanghai 12
20 November, 1937, the campaign ending in the capture of
21 Nanking 13 December, 1937, and the campaign which finally
22 resulted in the taking of Hankow 27 October 1938.

23 "The plans for the capture of Shanghai were
24 made when the incident broke out in Shanghai; during the
25 battle of Shanghai, plans were drawn up for the capture

TADA

DIRECT

1 of Nanking, and plans for the capture of Hankow were
2 drawn up in June or July 1938."

3 The defense may cross-examine, if the Court
4 please.

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TADA

CROSS

THE PRESIDENT: Dr. Kiyose.

CROSS-EXAMINATION

BY DR. KIIYOSE:

Q In the second paragraph of your affidavit you state that you made plans for the campaign of Japanese armed forces capturing Shanghai, Nanking and Hankow. May I understand that there was no single over-all plan for the three campaigns?

A There was no single over-all plan. Each plan was made according to circumstances as it arose -- as they arose.

Q Does that apply to the incidents in North China which happened immediately before you assumed the post of vice Chief of General Staff?

COLONEL MORROW: Object on the grounds of relevancy, if the Court please.

THE PRESIDENT: I do not think it is irrelevant. Objection overruled.

A The China Incident broke out unexpectedly and therefore there were no plans for it.

COLONEL MORROW: If the Court please, I object again. I understand that the cross-examination is limited to the matters brought forth in chief.

THE PRESIDENT: Obviously, this arises out of the affidavit. Put it that way.

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TADA

CROSS

1 Q You state in your affidavit that you planned
2 the occupation of Shanghai, but was it not a fact
3 that at that time, because of the shortage of
4 military transports, it was necessary to send troops
5 by warships?

6 A At the time of the Shanghai Incident, be-
7 cause of the fact that the naval landing party there
8 had insufficient forces to meet the situation, re-
9 quested the army for reinforcements, and because of
10 this sudden request the operations by the army in
11 Shanghai were prepared on the spur of the moment,
12 and therefore they ended the operation not fully
13 prepared.

14 Q In your affidavit there are such words as
15 "occupation of Shanghai," or of Nanking. Was it
16 your idea to continue the occupation of those two
17 cities even after settlement of the Incident, or
18 was it your intention to withdraw the troops after
19 the settlement of the Incident.

20 A Of course, if the military forces obtained
21 their object, troops should naturally be withdrawn,
22 but it isn't a question so much of temporary occupa-
23 tion or permanent occupation; that isn't thought of.
24 If an object has been attained troops should be
25 withdrawn, and therefore Nanking was made an object

TADA

CROSS

1 of occupation according to the plan that once the
2 city was occupied a stage for peace negotiations
3 could be commenced upon.

4 Q In what years did you join and leave the
5 army, and how old are you now?

6 THE PRESIDENT: That won't help very much,
7 but let him answer.

8 A I was commissioned in the army in 1904, and
9 was placed on the retired list in September, 1941.

10 MONITOR: "Retired" should read "rese' ed"
11 list.

12 Q My last question is: Your affidavit is
13 quite short and concise. Were other matters other
14 than contained in the affidavit asked you when you
15 were interrogated?

16 A Yes, I have been interrogated on other
17 matters as well.

18 DR. KIYOSE: That is all.

19 MR. KANZAKI: I am KANZAKI, Masayushi,
20 counsel for the defendant HATA, Shunroku.

21 CROSS-EXAMINATION (Continued)

22 BY MR. KANZAKI:

23 Q When was Central China Expeditionary
24 Forces organized? It was certainly organized during
25 your tenure of office as vice Chief of General Staff.

TADA

CROSS

1 MONITOR: During your tenure of office as
2 vice Chief of Staff, Central China Expeditionary
3 Forces were organized. When was it?

4 A The organization of the Central China Ex-
5 peditionary Force took place after the end of the
6 Shanghai war.

7 Q Were the duties of the Central China Ex-
8 peditionary Forces the preservation of peace in the
9 triangular area between Shanghai, Nanking and Hangchow?

10 A Yes.

11 Q If the Central China Expeditionary Forces
12 were organized in order to engage in the task of
13 preserving peace, was it necessary for them to
14 obtain orders from the General Imperial Headquarters
15 to start a new operation?

16 THE PRESIDENT: I can't see that this arises
17 out of the affidavit, but there is no objection.

18 COLONEL MORROW: I do object, if the Court
19 please.

20 THE PRESIDENT: How does counsel say this
21 arises out of the affidavit?

22 MR. KANZAKI: In the affidavit the mention
23 is made of the fact that the witness prepared plans
24 for Japanese operations, and I thought the question
25 of military plans, strategic plans, could be included

TADA

CROSS

1 in this scope.

2 INTERPRETER: The witness replied: orders
3 must be received from Imperial General Headquarters
4 with respect to operations outside of the occupied
5 area.

6 Q When did the Imperial Headquarters decide
7 upon the launching of the Hankow campaign?

8 A I recall that as being in June or July.

9 Q When was that matter informally communicated
10 to the Central China Expeditionary Forces?

11 A I recall that also to have taken place
12 about the same time.

13 Q Please state briefly the contents of the
14 order concerning the Hankow campaign sent to the
15 Central China Expeditionary Forces.

16 A I think it was an order to the effect that
17 the ~~Commander~~-in-Chief of the Central China Expedi-
18 tionary Forces should command the following forces
19 in conducting the campaign on Hankow, and therefore
20 the order was to the effect as to what kind of forces
21 he may use in the campaign.

22 Q Was the Hankow campaign carried out as
23 intended by the Imperial Headquarters?

24 A Due to inclement weather conditions, the
25 campaign did not proceed according to schedule, but

TADA

CROSS

1 it was carried out generally as expected.

2 Q How much delay was there.

3 A I cannot remember definitely, but I think
4 about one month.

5 Q Was it when you were vice Chief of the
6 General Staff that the South China Force was or-
7 ganized?

8 COLONEL MORROW: Object, if the Court please.

9 THE PRESIDENT: That doesn't arise out of
10 the affidavit. Objection allowed.

11 Q Were the Japanese bombers capable of bombing
12 the interior of China at the time you planned those
13 plans of campaign as the vice Chief of General Staff
14 between 1937 and the summer of 1938?

15 THE PRESIDENT: Now, don't answer that
16 question. You can ask him whether the Japanese
17 bombers were capable of carrying out the plans that
18 he made, so far as the execution of those plans
19 rested on the bombers.

20 Q Please answer to that question.

21 A I don't have any positive recollections, but
22 inasmuch as the China Incident had broken out un-
23 expectedly, there were no operational plans nor war
24 materiel. Still I believe that our bombers were
25 capable of bombing the Chinese hinterland.

TADA

CROSS

1 MONITOR: More or less.

2 Q I have heard that navy bombers were capable
3 of bombing Nan-cha and Hankow, but the army bombers
4 were not. Can you tell us something on that score?

5 MONITOR: Slight correction: Nan-cha,
6 Hankow and Nanking.

7 COLONEL MORROW: Object on the ground of
8 relevancy, if the Court please.

9 THE PRESIDENT: The objection cannot be
10 allowed as regards Hankow and Nanking, those two
11 places for which he prepared plans. There was a
12 third place mentioned which I do not recollect as
13 being mentioned in the affidavit. The witness can
14 state what the capacity of the bombers was, so far as
15 regards his particular plans.

16 A I don't have any positive memory on that
17 point.

18 THE PRESIDENT: In any event, it won't help
19 us very much, as far as I can judge.

20 Q Either in July or in August, 1938, did the
21 Imperial Headquarters give an order to the Central
22 China Expeditionary Force to the effect that the
23 troops should be moved to Chang-Ku-Feng? Isn't that
24 so?

25 A I have no recollection to the effect that

TADA

CROSS

1 orders were given for the transfer of troops.

2 MR. KANZAKI: That is all.

3 MR. HAYASHI: I am HAYASHI, Itsuro, counsel
4 for the defendant HASHIMOTO, Kingoro.

5 CROSS-EXAMINATION (Continued)

6 BY MR. HASHIMOTO:

7 Q Was the war of Greater East Asia being
8 planned at the time you were vice Chief of the General
9 Staff?

10 COLONEL MORROW: I object on the ground of
11 relevancy, if the Court please.

12 THE PRESIDENT: I am not sure. I think he
13 had better answer the question. These things are
14 linked up in a way that may not be grasped immediately.

15 A No.

16 Q Were there any plans in preparation for the
17 Greater East Asia war prior to the assumption of the
18 post of vice Chief of the General Staff by you, at
19 the Imperial General Staff.

20 THE PRESIDENT: What is this Greater East
21 Asia war? Was not it the genesis of the matters to
22 which this witness has deposed?

23 COLONEL MORROW: I thought, if the Court
24 please, we were concerned here with the plans for
25 Shanghai and Nanking. The affidavit is limited, if

TADA

CROSS

1 the Court please, to the three campaigns.

2 THE PRESIDENT: Yes, Colonel Morrow, I will
3 hear you fully on the matter. I want you to show me
4 that these plans were not prepared in connection with
5 any war associated with the Greater East Asia campaign.
6 Are they wholly unconnected, or is one part of the
7 other? You can reply after the luncheon adjourn-
8 ment. We will recess now until half past one.

9 (Whereupon, at 1200, a recess was
10 taken.)
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1 AFTERNOON SESSION

2 The Tribunal met, pursuant to recess, at
3 1330.

4 DEPUTY MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 H A Y A O T A D A, called as a witness on behalf
7 of the prosecution, resumed the stand.

8 THE PRESIDENT: Colonel Morrow.

9 COLONEL MORROW: If the Court please, in
10 response to the Court's question just before adjourn-
11 ment, I might state it is my recollection that, in
12 substance, the following question was asked of this
13 witness in the early cross-examination: "Did these
14 plans have any connection with the Greater East Asia
15 plan," or words to that effect.

16 And this question, in substance, as I got it,
17 was about as follows: "Was there any Greater East
18 Asia plan made before you became Vice-Chief of the
19 General Staff?" The witness having already stated that
20 his plans testified about concerning Shanghai, Nanking
21 and Hankow had no connection with the so-called Greater
22 East Asia plan, it would seem that any question about
23 the Greater East Asia plan would be irrelevant.

24 THE PRESIDENT: It would appear so if you
25 have rightly quoted the questions and the answers.

TADA

1 COLONEL MORROW: I have given my recollection,
2 sir.

3 THE PRESIDENT: Well, what has Japanese coun-
4 sel to say?

5 MR. HAYASHI: I should now like to withdraw
6 my question, or terminate my question, inasmuch as
7 prosecutor Colonel Morrow has already explained the
8 question and the answer given prior to the recess with
9 respect to the fact that there was no connection between
10 the plans for the campaign against Shanghai, Nanking,
11 and Hankow with plans for the Greater East Asia war.

12 THE PRESIDENT: Mr. Levin.

13 MR. LEVIN: There will be no further examina-
14 tion on the part of the defense, sir.

15 THE PRESIDENT: Yes. Well, that concludes the
16 evidence of this witness.

17 Colonel Morrow.

18 COLONEL MORROW: No redirect examination, if
19 the Court please.

20 (Whereupon, the witness was excused.)

21 COLONEL MORROW: I would like to call Witness
22 A. A. Dorrance.
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DORRANCE

DIRECT

1 A. A. D O R R A N C E , called as a witness on
2 behalf of the prosecution, being first duly
3 sworn, testified as follows:

DIRECT EXAMINATION

BY COLONEL MORROW:

6 Q Please give your full name and present resi-
7 dence.

8 A Albert Dorrance, Shanghai.

9 Q What is your present residence, Mr. Dorrance?

10 A Present residence, did you say?

11 Q Yes.

12 A Park Hotel, Shanghai.

13 Q During the latter part of October, 1938, where
14 did you live?

15 A Hankow, China.

16 Q What was your business at that time?

17 A Manager, Standard Oil Company.

18 Q What happened about that time in the city of
19 Hankow?

20 A The Japanese occupation took place in the lat-
21 ter part of October, 1938.

22 Q Were there any American gunboats thereabouts
23 at that time?

24 A Four or five. I have forgotten the exact
25 number.

DORRANCE

DIRECT

1 Q Were you on board one of those gunboats about
2 that time?

3 A I didn't live on board the gunboat, but I was
4 on and off the gunboats constantly.

5 Q Will you state what you saw from the gunboat
6 about the latter part of October, 1938?

7 A I presume you refer to after the occupation
8 by the Japanese forces?

9 Q I do.

10 A Immediately after the occupation, the morning
11 after the occupation by the Japanese, which took place
12 in the afternoon -- I was chairman of the American
13 Chamber of Commerce in Hankow and consequently had con-
14 siderable dealings with the Admiral there -- I went on
15 board the Admiral's flagship because that was anchored
16 right alongside the customs wharf in the river. At the
17 customs wharf the Japanese collected, oh, several hun-
18 dred Chinese war prisoners, or rather soldiers and I
19 presume they were war prisoners. They were held up
20 alongside the customs house there and picked -- well,
21 more or less herded there.

22 At that time, as you are probably aware, in
23 the Yangtse River the water is extremely low, and they
24 use gangplanks that run maybe a quarter, half mile from
25 the solid ground out into the river. The soldiers, the

DORRANCE

DIRECT

1 Japanese soldiers, who were at the head of this gang-
2 plank would occasionally walk up to this crowd of Chi-
3 nese soldiers -- well, Chinese people, most of whom
4 were soldiers according to their dress, would select
5 at random three or four of them and apparently with
6 no personal selection, just more or less point for
7 three or four to walk on down. These several would
8 walk on down this long gangplank and as they passed
9 the Japanese soldiers, the sentries, why they would
10 casually walk out, walk behind them on down to the
11 water's edge. When they arrived at the water's edge
12 the Japanese sentries who had followed them down --
13 apparently extremely impersonal, the action, the inter-
14 est, impressed you, the impersonality of it all the way
15 through.

16 Arriving at the water's edge where the water
17 was deep, the soldiers would kick these Chinese into
18 the water and shoot them when their heads appeared
19 above the water. Prior to throwing, or kicking, the
20 Chinese into the water they invariably threw back
21 their coats, both sides, and examined the shoulders
22 on both the right and left shoulder. I presume that
23 was to see whether or not they had firearms, find a
24 gun, I don't know.

25 We had been watching this from the bridge of

DORRANCE

DIRECT

1 one of the American gunboats, oh, for quite a consid-
2 erable length of time, watching through glasses, and
3 so forth. When the Japanese soldiers saw us doing
4 that, why, they stopped.

5 But after that they continued to select other
6 soldiers, or Chinese, in the same manner they had prev-
7 iously, but they put them in a steam launch at the same
8 place and took them out in the stream. We could see
9 them out there through the glasses also. When they
10 got them out in the middle of the Yangtse, why, they
11 threw them overboard the same as they had before, and
12 shot them when they came up.

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DORRANCE

DIRECT

1 Q How far was the ship you were on from where
2 the first shooting took place at the dock?

3 A I would estimate around a hundred yards.

4 Q How far were you from the launch when the
5 shooting took place from the launch?

6 A Certainly not over a quarter of a mile.

7 Q Could you tell from that distance, or from
8 the ship, whether any of the Japanese soldiers were
9 officers or not?

10 A The launch passed immediately by the American
11 gunboats on repeated trips, so that we could see them
12 very plainly. I don't recall whether they were offi-
13 cers or not.

14 Q What position did you hold in the American
15 Chamber of Commerce in Hankow?

16 A I was president of it.

17 THE PRESIDENT: He told us that already.

18 Q What duties fell to your lot as such?

19 A I believe you have reference to the relief
20 program and the setting up of protective measures which
21 we had done, is not that true?

22 Q Yes.

23 A Immediately after the fall of Nanking, when
24 the river had been blockaded for some previous time,
25 there was quite a foreign community in Hankow and we

DORRANCE

DIRECT

1 Q How far was the ship you were on from where
2 the first shooting took place at the dock?

3 A I would estimate around a hundred yards.

4 Q How far were you from the launch when the
5 shooting took place from the launch?

6 A Certainly not over a quarter of a mile.

7 Q Could you tell from that distance, or from
8 the ship, whether any of the Japanese soldiers were
9 officers or not?

10 A The launch passed immediately by the American
11 gunboats on repeated trips, so that we could see them
12 very plainly. I don't recall whether they were offi-
13 cers or not.

14 Q What position did you hold in the American
15 Chamber of Commerce in Hankow?

16 A I was president of it.

17 THE PRESIDENT: He told us that already.

18 Q What duties fell to your lot as such?

19 A I believe you have reference to the relief
20 program and the setting up of protective measures which
21 we had done, is not that true?

22 Q Yes.

23 A Immediately after the fall of Nanking, when
24 the river had been blockaded for some previous time,
25 there was quite a foreign community in Hankow and we

DORRANCE

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1 had gathered together various chambers and set up a
2 purchasing agency and sent people down to Hong Kong to
3 lay in supplies in case we were besieged; the same
4 thing had happened in Hankow and would happen in
5 Hankow.

6 Q What did you see the morning after the Japan-
7 ese arrival in Hankow on the streets of Hankow?

8 A This committee which I spoke about set up
9 what we thought would be satisfactory protection and
10 policing, and so forth, because we didn't know what
11 would happen to the policing system, waterways, elec-
12 tric lights, hospitals, and so forth. Immediately upon
13 the Japanese arrival we were very nervous for fear they
14 would cut out the water supply particularly, and then
15 the light supply and what would happen to the hospitals.
16 Therefore, as chairman of the American end of it, I
17 made a tour around, tried to contact the Japanese
18 general, and so forth, to see that these services would
19 not be interfered with.

20 In the former German concession, which is
21 immediately adjacent to the Japanese and which lies
22 along the bund in back of which is the electric light
23 company and the water company, naturally I was in that
24 area trying to go to the electric light company, and I
25 recall particularly in the ex-German concession, on

DORRANCE

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1 the street corners--oh, I saw probably six or seven
2 on different corners--I saw Chinese men dressed in
3 Chinese gowns with their hands wired behind them, and
4 they had been shot on the corner.

5 COLONEL MORROW: Defendants may cross-examine,
6 if the Court please.

7 MR. KANZAKI: I am KANZAKI, Masayushi, counsel
8 for the defendant HATA, Shunroku.

9 CROSS-EXAMINATION

10 BY MR. KANZAKI:

11 Q Between what dates did you, Mr. Witness, live
12 in Hankow?

13 A I presume you refer to this particular time?

14 Q No, the first time you went to Hankow and the
15 last time you were there.

16 A The first time I went to Hankow was in 1921.
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1 Q Until when did you reside in Hankow?

2 A I don't think you understand. I was there
3 three years in Hankow and then three years in
4 another port. But this particular time I arrived
5 in Hankow in April, '37.

6 Q Were you, Mr. Witness, in the city of
7 Hankow at the time of its fall in October, 1938?

8 A I was there from April, '37 'til March, '40.

9 Q Was there street fighting in Hankow at that
10 time?

11 A There was not.

12 Q Did you hear the shooting of firearms around
13 Hankow at the time?

14 A You hear continual shooting around Hankow,
15 all during -- prior to the occupation and after the
16 occupation.

17 Q Was it near or far away?

18 A It is difficult to say. Hankow is right on
19 the river. There was fighting continually back of
20 Wu Chang which is across the river.

21 Q What I mean to ask is now that you said there
22 was no street fighting, but you had heard rifle shots
23 or gun fire. I want to know about where you heard
24 the fire.

25 A Across the river, back of Wu Chang; in that

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5 in Hankow in April, '37.6 Q Were you, Mr. Witness, in the city of
7 Hankow at the time of its fall in October, 1938?

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13 Hankow at the time?14 A You hear continual shooting around Hankow,
15 all during -- prior to the occupation and after the
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19 the river. There was fighting continually back of
20 Wu Chang which is across the river.21 Q What I mean to ask is now that you said there
22 was no street fighting, but you had heard rifle shots
23 or gun fire. I want to know about where you heard
24 the fire.

25 A Across the river, back of Wu Chang; in that

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section.

1 Q Then, when you speak of the shooting, it
2 was not on the Hankow side of the Yangtze River?

3 A Not prior to the occupation.

4 Q Then you heard rifle shots -- gunfire --
5 in Wu Chang; am I correct?

6 A Back of Wu Chang.

7 Q I understand now.

8 On what date did Hankow surrender to the
9 Japanese forces?

10 A The latter part of October, 1938 -- 26th,
11 '7th or '8th; I am not sure.

12 Q I wish to confirm what you have stated, Mr.
13 Witness, in your affidavit. You speak of the day
14 after the surrender of Hankow. I would like to get
15 the exact date.

16 A I am afraid you'll have to look that up in
17 your history. I don't recall it.

18 Q In your statement in your direct examina-
19 tion you spoke of "gunboat." Did you see what you
20 have stated to this Court from an American gunboat
21 or from the flagship?

22 A From the American gunboat. One of them
23 was a flagship.

24 THE PRESIDENT: What is the point of all
25

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1 these questions?

2 MR. KANZAKI: My desire to clarify some of
3 the ambiguity that I find in the facts stated.

4 THE MONITOR: Slight correction: I find
5 many contradictions in his affidavit. Therefore, I
6 would like to ask these questions and clarify these
7 points.

8 THE PRESIDENT: He was not examined on affi-
9 davit here, but you may have been supplied with an
10 affidavit which was not used. Please confine your
11 cross-examination to what he said in court.

12 There are no ambiguities in his statements
13 here as far as we know.

14 MR. KANZAKI: However, I feel that there is
15 a great deal of inconsistency in the statements made
16 by the witness. May I ask the Court to listen for
17 a short while?

18 THE PRESIDENT: We are always prepared to
19 listen to useful cross-examination.

20 MR. KANZAKI: I shall endeavor to submit
21 valuable -- useful questions.

22 Q A while ago, Mr. Witness, you stated that
23 Japanese soldiers brought Chinese about a quarter of
24 a mile, down the gangplank, and kicked them into the
25 river. Now, where was the physical inspection of

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23 Japanese soldiers brought Chinese about a quarter of
24 a mile, down the gangplank, and kicked them into the
25 river. Now, where was the physical inspection of

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1 these Chinese; where did such physical examination
2 or inspection take place?

3 A I don't understand the question. You mean
4 prior to them kicking them in the river or other
5 physical examination?

6 Q A while ago, Mr. Witness, you said that
7 these Chinese -- the jackets of these Chinese were
8 removed to find whether they had fired a rifle or
9 not. Where did this inspection take place?

10 A Right at the water edge.

11 Q Then that was on the gangplank, was it?

12 A That's right.

13 Q Then how many Chinese prisoners were brought
14 on this gangplank at one time.

15 A Three or four.

16 Q And as a result of the physical examination,
17 how many of these Chinese were brought back to land
18 again?

19 A None whatsoever.

20 Q In other words, then, all of them were
21 thrown into the river?

22 A All that we witnessed.

23 Q Then for what purpose were these physical
24 examinations given?

25 A I think, if you'll look back in your notes,

DORRANCE

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1 you'll find that I thought that was the reason they
2 threw back their coats. I do not know.

3 Q Were these three or four soldiers brought
4 at once to the edge of the river and thrown into the
5 river at once or one at a time?

6 THE PRESIDENT: Why ask him that? Why
7 go into the details of what happened? Can you
8 attack the veracity of the witness in some other
9 way?

10 MR. KANZAKI: I will do that.

11 Q A while ago I might have missed something
12 in the statement which you gave this Court. What
13 was the distance between the gunboat on which you
14 were aboard, Mr. Witness, and the place where these
15 prisoners of war were thrown into the river?

16 THE MONITOR: From the steam launch?

17 THE PRESIDENT: We already have that. We
18 don't want it twice.

19 Q I think I heard, but I wasn't quite sure
20 of it. I heard of it as a quarter of a mile; is
21 that right?

22 A Around one hundred or two hundred yards.

23 Q Were these prisoners of war tied when they
24 were on this launch or not?

25 A They were not.

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1 Q Then you must have seen these prisoners
2 of war resist each time attempts were made to throw
3 them into the river.

4 A There was no semblance of resistance what-
5 soever.

6 Q And you mean to say then, before, that
7 prisoners of war were thrown into the river, and
8 whose head appeared above the surface were shot?

9 A That's right.

10 Q The witness appears to have been a long
11 resident in Hankow. At no time have we ever heard
12 that anybody thrown into the Yangtze River would
13 float to the surface again. Did these prisoners of
14 war come up to the surface for the first time on
15 this occasion?

16 A Certainly. Otherwise, they couldn't have
17 been shot.

18 Q At the time of the battle of Hankow, when
19 Japanese forces were approaching that city, the
20 citizens of the city escaped to take refuge in the
21 foreign concessions and many of them to the rivers
22 and to find refuge on boats. Wasn't the Yangtze
23 River littered with boats at that time?

24 THE PRESIDENT: That question is utterly
25 pointless. What are you suggesting?

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1 MR. KANZAKI: Mr. President, the Yangtze
2 River at that time was filled with ships and boats,
3 filled with ships carrying refugees from the city
4 of Hankow and other transports of the Japanese Army
5 and Navy. I am trying to show that it would be im-
6 possible to throw prisoners of war into a river which
7 is so filled with ships of all variety.

8 (Whereupon, the above statement
9 was reframed by the interpreter, as fol-
10 lows:)

11 Just continuing to show that within a radius
12 of about a half mile it would be impossible to shoot
13 Chinese or to throw Chinese POW's into the river,
14 and I am trying to straighten the veracity of this
15 statement at this time. I am asking you, Mr.
16 President -- I am submitting this, Mr. President,
17 as my purpose in making these questions.

18 THE PRESIDENT: What witness said that the
19 river was so full of ships that nobody could be
20 thrown into it? I have told Japanese counsel re-
21 peatedly that they cannot give evidence. Has this
22 witness admitted that the river was so full of ships
23 that nobody could be thrown into the river?

24 MR. KANZAKI: No. I was trying to confirm
25 this through the witness.

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1 THE PRESIDENT: We will leave the witness
2 to answer that question. I will ask the witness
3 this question:

4 What was the state of the river as regards
5 shipping at the time that you witnessed the Chinese
6 being thrown into the river?

7 THE WITNESS: The statement is quite
8 erroneous. The Yangtze River had been blockaded for
9 several years. Shipping was at Hankow's lowest I had
10 ever seen it.

11 Q In the end of October, at the time of the
12 fall of Hankow, wasn't it possible for Japanese
13 naval personnel to go to Hankow on army ships?

14 THE MONITOR: Slight correction: Japanese
15 Army forces -- Japanese Navy as well as Japanese
16 Navy ships, weren't they able to go up the Yangtze
17 River?

18 A I -- I am sorry. I didn't understand his
19 question.

20 Q I will repeat that question.

21 A I understood yours. I didn't understand
22 this other gentleman.

23 Q The airfield at Hankow was destroyed and
24 rendered useless; and, therefore, the Japanese Army
25 and Navy went to Hankow by boat. Aren't you aware

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24 rendered useless; and, therefore, the Japanese Army
25 and Navy went to Hankow by boat. Aren't you aware

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1 of this fact?

2 A Certainly, I am aware of that fact. But
3 this occasion about which you are cross-examining
4 me about took place the day after the capitulation
5 of Hankow. Therefore, the only ships in the harbor,
6 practically speaking, were the Japanese transient --
7 no: what do you call them? -- transports.

8 THE PRESIDENT: Stop speaking when that
9 light goes up.

10 Q Naturally, I am speaking about the day after
11 the capitulation of Hankow.

12 A What is it you want to know?

13 Q I am asking you, was it not true that after
14 the capitulation -- the day after the capitulation
15 of Hankow Japanese transports and other shipping were
16 crowded in Hankow Bay?

17 A You mean Hankow River, of course. The only
18 shipping which brought in original troops -- most of
19 them came overland from Kew Kiang or at least down
20 river from Hankow.

21 THE MONITOR: Will the reporter please read
22 that statement by the witness?

23 (Whereupon, the last answer was
24 read by the official court reporter as
25 follows:)

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18 shipping which brought in original troops -- most of
19 them came overland from Kew Kiang or at least down
20 river from Hankow.

21 THE MONITOR: Will the reporter please read
22 that statement by the witness?

23 (Whereupon, the last answer was
24 read by the official court reporter as
25 follows:)

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1 "A You mean Hankow River, of course. The
2 only shipping which brought in original troops --
3 most of them came overland from Kew Kiang or at
4 least down river from Hankow."

5 THE MONITOR: Will you read it again,
6 please?

7 (Whereupon, the last answer was
8 again read by the official court reporter:)

9 THE MONITOR: It isn't clear to us about
10 that sentence, Mr. President, at least the "original
11 shipping." It doesn't make a sentence. We can't
12 translate it.

13 (To the witness): What do you mean by
14 "original shipping"? According to the reporter you
15 said "original shipping -- most of them came down
16 overland."

17 THE WITNESS: Originally.

18 THE MONITOR: Oh. Will the reporter please
19 read the witness' statement using the word "origin-
20 ally"?

21 (Whereupon, the last answer of
22 the witness was read by the official court
23 reporter as follows:)

24 "A You mean Hankow River, of course. The only
25 shipping which brought in original troops -- most of

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1 them came overland from Kew Kiang or at least down
2 river from Hankow."

3 OFFICIAL COURT REPORTER: He did not
4 say "originally."

5 THE WITNESS: Turn off the light. Turn
6 off the light. The original question was this:
7 About the amount of shipping. In fact, the impres-
8 sion was left that the troops came in by boat from --
9 down river; therefore, the harbor was filled with
10 ships. My point was this: Various troops came
11 into Hankow by ship, but the most of them came over-
12 land from down river below Hankow.

13 THE PRESIDENT: Well, how many ships were
14 in the river at the time you saw the Chinese thrown
15 in?

16 THE WITNESS: I would hesitate to hazard a
17 guess, but the Yangtze had been blockaded below
18 Nanking for a matter of two years at least, and
19 above Hankow, which would prevent the smallest
20 shipping for a matter of several months.

21 THE PRESIDENT: I asked you how many.
22 Were there many ships thereabouts? Was there room
23 to throw people into the river?

24 THE WITNESS: Very few ships -- none of
25 the larger ships, which were prevented because of the

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1 lower blockade.

2 THE PRESIDENT: Counsel, you were trying
3 to attack that statement that there were few ships
4 in the river or not enough to prevent people from
5 being thrown in by pointing out that the army were
6 brought there. Do you desire to follow that up?

7 MR. KANZAKI: Even to your query, Mr.
8 President, the witness has not given a sufficient
9 and effective, explicit reply. Now he is saying
10 "blockade," but using the word "blockade" is just an
11 argument. But that blockade did not apply to Japan-
12 ese ships, and Japanese ships were free to navigate
13 the river. The mere fact that there was a blockade
14 does not mean there were few ships.

15 BY MR. KANZAKI (Continued):

16 Q Mr. Witness, you were speaking about the
17 electric lights as President of the Chamber of Com-
18 merce. When did the lights of Hankow go on again?

19 A They weren't turned off.

20 Q Then the lights continued to burn then;
21 is that so?

22 A That's correct.

23 Q Then will you try to testify in the light
24 of the fact that even in spite of conditions of war
25 the lights of Hankow did not go out.

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1 THE PRESIDENT: You need not answer that
2 question.

3 Q Do you know of the fact that before the
4 Japanese forces entered Hankow there was a hunt for
5 collaborators?

6 THE PRESIDENT: There was what?

7 THE INTERPRETER: There was a roundup of
8 collaborators.

9 A Just before the Japanese forces entered
10 Hankow? I still don't understand your question.

11 Q Was there a roundup of Chinese collaborat-
12 ors just before the Japanese forces entered Hankow?

13 THE PRESIDENT: What is the point in that
14 question?

15 MR. KANZAKI: I wish to state to the
16 President, if I may, that Hankow was -- enjoyed
17 rather peaceful conditions at the time and that,
18 as I understand, there were no dead bodies littered
19 in the city when the Japanese forces entered the
20 city. But, if there were dead bodies littered
21 about, that was as a result of a roundup of Chinese
22 collaborators by the Chinese. That's why I want to
23 clarify this point.

24 THE WITNESS: Mr. President, I'm afraid
25 that would have been rather impossible in view of

DORRANCE

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1 the fact that the Chinese Army did not leave the
2 city until the afternoon previous to the Japanese
3 arrival in Hankow.

4 Q Which was better, the state of law and
5 order before the Japanese entered Hankow or after
6 the Japanese entered Hankow?

7 THE PRESIDENT: You need not answer that
8 question.

9 MR. KANZAKI: That ends my cross-examina-
10 tion, your Honor.

11 THE PRESIDENT: We will recess now for
12 fifteen minutes.

13 (Whereupon, at 1445, a recess was
14 taken until 1500, after which the proceed-
15 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Captain Brooks.

4 CROSS-EXAMINATION

5 BY CAPTAIN BROOKS:

6 Q Mr. Witness, you testified that a Japanese
7 saw you watching him at the time of these incidents --
8 that you thought they had stopped. Now, at the time
9 that you were watching them how many American gun-
10 boats were in that harbor?

11 A There were at least two in the Hankow City
12 itself. There was one down at our installation, just
13 below Hankow.

14 THE PRESIDENT: Observe the light. To
15 assist the interpreters, let your sentences be short.

16 Q Was this more than the usual number of gun-
17 boats at that harbor?

18 A Yes. Usually there was only one gunboat,
19 one American gunboat, in Hankow.

20 Q Would that be in addition to the one used
21 at your installation?

22 A Usually the only one is the Admiral's Flag-
23 ship.

24 Q What was the reason for there being an
25 unusual amount at this time?

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1 A The anticipated battle of Hankow.

2 Q What indications were there for such an-
3 ticipation?

4 A The Japanese forces had progressively ad-
5 vanced up the river. Hankow is the next line -- the
6 only large foreign, foreignized city on the river.

7 Q Previous to this advance had you ever noticed
8 any anti-Japanese propaganda among the Chinese?

9 A Definitely. They had been fighting the
10 Japanese for two years previously.

11 Q And previous to that two years had you ever
12 noticed any anti-Japanese sentiment or propaganda?

13 COLONEL MORROW: I raise the question of
14 relevancy, if the Court please.

15 THE PRESIDENT: You take an objection, I
16 suppose. I cannot see that it is relevant. How do you
17 suggest it is?

18 MR. BROOKS: If the Tribunal please, I think
19 that the actions preceding any battle, the sentiment
20 or propaganda may have aroused the other side -- the
21 opponents -- either on one side or the other. It is
22 very relevant. There has been testimony here as to
23 what the Japanese intentions were. I think it is just
24 as relevant to show --
25

THE PRESIDENT: Use your light.

DORRANCE

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1 Interpret that.

2 MR. BROOKS: I think it would be just as
3 relevant to show what the Chinese attitude would be.
4 I think the defense will contend that they wanted to
5 regain back certain territory and were using certain
6 propaganda, and certain incidents were occurring that
7 would be very important in putting on the defense.

8 THE PRESIDENT: It does not arise out of the
9 affidavit, nor is it relevant to any issue. Any
10 amount of anti-Japanese propaganda in China would not
11 justify an aggressive war on China.

12 MR. BROOKS: I believe that that was what
13 the prosecution was trying to show: that it was an
14 aggressive war, and that was the issue that was raised
15 at this time, and we wish to put in evidence and to
16 entertain those parts that would be relevant in show-
17 ing that the Japanese were taking defensive steps
18 rather than a war of aggression. It is very relevant.

19 THE PRESIDENT: The objection is upheld.

20 BY MR. BROOKS

21 Q You say there was one of these gunboats at
22 this installation. You are talking about the Standard
23 Oil Company's installation; is that right? It was
24 stationed there to protect your property and your
25 personnel -- American personnel -- employed there;

DORRANCE

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1 is that correct?

2 COLONEL MORROW: I raise the question of
3 relevancy again, if the Court please.

4 THE PRESIDENT: It does not arise out of
5 the examination in chief. The objection is upheld.

6 Q You stated in your affidavit that you were
7 Manager of the Standard Vacuum Oil Company --

8 THE PRESIDENT: He said so. Why ask him
9 to repeat it? Do you challenge it? Why waste the
10 time of this Tribunal in this fashion? Your tactics
11 suggest obstruction to me.

12 MR. BROOKS: I have only one more question.

13 Q What type of business was the Standard Oil
14 Company doing that required protection from the Japan-
15 ese by American gunboats?

16 COLONEL MORROW: I raise the question of
17 relevancy and materiality.

18 THE PRESIDENT: The objection is upheld.

19 MR. BROOKS: No further cross-examination
20 for the defense.

21 COLONEL MORROW: No redirect, if the Court
22 please. The witness may be dismissed.

23 (Whereupon, the witness was excused.)

24 COLONEL MORROW:
25 If the Court please, I am presenting --
asking to be admitted what is document No. 1752,

1 which is a Chinese statistical statement in the
2 Chinese language, and has been duly translated. In
3 connection with this document we have a certificate
4 to this effect: (Reading)

5 "This is to certify that the original docu-
6 ment 1752, sent to me through the mail by General
7 Wang Pi-Chan, is an authentic communication of the
8 Second Bureau of the Ministry of Military Operations,
9 Republic of China."

10 The above-mentioned communication was sent
11 to me pursuant --

12 THE PRESIDENT: Admitted on the usual terms.

13 COLONEL MORROW: Very well, sir.

14 CLERK OF THE COURT: Prosecution document
15 1752 will receive exhibit No. 252.

16 (Whereupon, prosecution's exhibit
17 No. 252 was received in evidence.)

18 THE PRESIDENT: Mr. Smith.

19 MR. SMITH: If your Honor please, there was
20 no opportunity to object before you acted. Major
21 Furness, who could not be here at this time, asked
22 me to object to the admission on the ground that the
23 Government made no showing as to who prepared this
24 document, and the circumstances under which it was
25 prepared. It appears on its face that it was compiled

1 which is a Chinese statistical statement in the
2 Chinese language, and has been duly translated. In
3 connection with this document we have a certificate
4 to this effect: (Reading)

5 "This is to certify that the original docu-
6 ment 1752, sent to me through the mail by General
7 Wang Pi-Chan, is an authentic communication of the
8 Second Bureau of the Ministry of Military Operations,
9 Republic of China."

10 The above-mentioned communication was sent
11 to me pursuant --

12 THE PRESIDENT: Admitted on the usual terms.

13 COLONEL MORROW: Very well, sir.

14 CLERK OF THE COURT: Prosecution document
15 1752 will receive exhibit No. 252.

16 (Whereupon, prosecution's exhibit
17 No. 252 was received in evidence.)

18 THE PRESIDENT: Mr. Smith.

19 MR. SMITH: If your Honor please, there was
20 no opportunity to object before you acted. Major
21 Furness, who could not be here at this time, asked
22 me to object to the admission on the ground that the
23 Government made no showing as to who prepared this
24 document, and the circumstances under which it was
25 prepared. It appears on its face that it was compiled

1 as late as February 16 of this year.

2 THE PRESIDENT: There was every opportunity
3 to object. I am not going to let that pass. I
4 waited some considerable time before I admitted that
5 document.

6 MR. LOGAN: If the Tribunal please, I went
7 up to the Clerk and asked if the original was there
8 so I could examine it. I was advised it had not been
9 placed there yet. The next thing I knew it was
10 marked with a document number, and the original is
11 not yet with the Clerk; it is on the desk here.

12 Your Honor, this is not an official docu-
13 ment compiled by any governmental agency, so far as I
14 can find from any papers before me. It looks like
15 somebody wrote a letter to somebody else to find out
16 the figures, and it is dated February 16, 1946 --

17 THE PRESIDENT: The 2nd of April.

18 MR. LOGAN: It is dated February 16, 1946.
19 Apparently it was compiled on that date by someone --
20 I do not know who.

21 THE PRESIDENT: Compiled on that day, dated
22 2nd of April, 1946; but what is your objection to it,
23 that it is not an official document?

24 MR. LOGAN: That is right.

25 THE PRESIDENT: We must receive it for what it

1 is worth. We may think it has no value unless it is
2 in some way supplemented or confirmed.

3 COLONEL MORROW: If the Court please, this
4 purports to be, and on its face indicates that it is
5 a transcript of the official statement in the archives
6 of the Chinese Government, and it is obviously diffi-
7 cult to bring over here an original document from the
8 archives. This is certified to be --

9 THE PRESIDENT: These remarks are directed
10 to the weight of the document. We have already ad-
11 mitted it, of course.

12 Mr. Levin.

13 MR. LEVIN: Mr. President, I understand
14 Colonel Morrow stated that this is a certified docu-
15 ment. I do not understand it to be a certified docu-
16 ment, but transmitted by letter to Colonel Morrow --
17 to Mr. Chiu of the Prosecution Staff. If your Honor
18 pleases, this looks to me like a Rafferty exhibit.

19 THE PRESIDENT: I refer to Article 13(c) of
20 the Charter, which makes admissible a document without
21 proof of its issuance or signature which appears to the
22 Tribunal to have been signed or issued by any officer,
23 department, agency or member of the armed forces of
24 any government. This document comes within that
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25 classification.

1 THE MONITOR: Mr. President, may I ask
2 Mr. Levin to explain what "Rafferty" means? We can-
3 not translate that word.

4 THE PRESIDENT: That is great levity. Who
5 made that observation?

6 THE MONITOR: Mr. Levin.

7 THE PRESIDENT: I am surprised at Mr. Levin.
8 I am surprised at your making those remarks in court.

9 MR. LEVIN: I am sorry.

10 THE PRESIDENT: I should think you would be.
11 You are the last man I would suspect of that.

12 MR. LEVIN: The reason I made it, if your
13 Honor please, is because it seemed to me it had no
14 relation to the type of document that might be offered
15 in evidence, and I respectfully apologize to the Court.
16 I did not intend to be disrespectful.

17 MR. LOGAN: May I suggest to the Tribunal
18 that that portion of the Charter which has just been
19 read -- I believe the interpretation of that would
20 mean an official document of a government which was
21 part of the archives of that particular government
22 prior to the inception of this law suit; whereas,
23 this document on its face shows it was compiled on
24 February 16, 1946. This evidence was compiled on
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20 mean an official document of a government which was
21 part of the archives of that particular government
22 prior to the inception of this law suit; whereas,
23 this document on its face shows it was compiled on
24 February 16, 1946. This evidence was compiled on
25 February 16, 1946. It does not purport to show

1 in the various years mentioned herein that these
2 were the figures which were on record with the
3 Chinese Government way back in 1937. It looks like
4 something has been done in February of this year.

5 I might also point out, if the Tribunal
6 please, that Article 13(c)(5) provides that a copy
7 of a document or other secondary evidence of its
8 contents may be admissible if the original is not
9 immediately available. And, therefore, I believe
10 the first four items under 13 are modified by that
11 Article, 5th, and there is no showing here that the
12 original is not available. For that reason, your
13 Honor, we object to the admissibility of this
14 particular document.
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1 THE PRESIDENT: Mr. Levin.

2 MR. LEVIN: Mr. President, we should like
3 to make the further point that this is a summary of
4 casualties. It seems to us a summary of casualties,
5 or whatever the document it, whenever it is a summary,
6 should come by way of argument or by way of summation
7 rather than an offer of proof at this time.

8 THE PRESIDENT: It really shows the total
9 Chinese casualties, or purports to show the total
10 Chinese casualties since 1937. It is evidence of
11 immense importance. I think it is a matter of weight
12 and not of admissibility, Mr. Levin. The Tribunal
13 may look for confirmation beyond the Chinese prosecutor
14 and the person who advised him.

15 MR. LEVIN: I agree with the Court that it
16 is evidence of great importance. It was my thought
17 that, this being evidence of the whole, we ought to
18 have some indication of the component parts. In the
19 absence of that we ought to have the certification as
20 an official record rather than in this informal
21 manner.

22 THE PRESIDENT: Captain Kleiman.

23 CAPTAIN KLEIMAN: May it please your Honor,
24 I am not immediately concerned with this particular
25 document, although I am objecting also. I am

1 concerned with the future documents that may be intro-
2 duced.

3 THE PRESIDENT: Oh, deal with the document
4 before you, not with the future documents.

5 CAPTAIN KLEIMAN: May I call your Honor's
6 attention to Article 13 c in entirety. c(1) refers
7 to a document, as has been pointed out by your Honor.
8 c(2) concerns reports made by Red Cross and members
9 thereof or medical doctors; c(3) to an affidavit;
10 c(4) to diaries. And then we come to c(5) which deals
11 with a copy of a document or other secondary evidence.
12 The reading of c(5) --

13 THE PRESIDENT: Well, don't read.

14 CAPTAIN KLEIMAN: No, your Honor.

15 THE PRESIDENT: I think that the prosecution
16 would do well if they exercised a little more care in
17 getting these documents. Surely there exists some-
18 where in great China an official who could certify to
19 this document without provoking the defense into this
20 opposition. It should not have to rely upon the
21 certificate of the Chinese prosecutor in a matter of
22 that grave importance.

23 CAPTAIN KLEIMAN: I just wanted to conclude
24 by pointing this out --

25 THE PRESIDENT: Well, I don't think you are

1 helping us at all, Captain Kleiman, with all respect
2 to you. Other American **counsel** have covered the ground.

3 **CAPTAIN KLEIMAN:** I just want to make this
4 statement, your Honor, that (5) shows that the pre-
5 vious four items must be originals.

6 **COLONEL MORROW:** May I proceed, your Honor?

7 **THE PRESIDENT:** Well, I think that we are
8 all expecting something more substantial about the
9 casualties in 1937 than the document you have presented.

10 **COLONEL MORROW:** If the Court please, the
11 original we filed with the Clerk at this time, and
12 the certificate I refer to states as follows: "The
13 above mentioned communication was sent to me in
14 pursuance to a request made by myself to General Wang
15 Pi-Chan for the information contained therein." And
16 the paper, itself, shows on its face that it is a
17 statement of General Wang Pi-Chan, Chief of the Second
18 Bureau of the Ministry of Military Operations, to
19 Mr. Henry Chiu. In other words, we have a document
20 here that purports to come from an official of the
21 Republic of China.

22 **THE PRESIDENT:** Perhaps. We will admit it for
23 what it is worth.

24 (Whereupon, prosecution's exhibit No. 252
25 **was received in evidence.**)

1 COLONEL MORROW: All right, sir.

2 THE PRESIDENT: You had better proceed to read
3 it.

4 COLONEL MORROW: (Reading) "Enclosure:
5 Table of Casualties in the Chinese Army during the
6 Period of War of Resistance from July 7, 1937 to
7 August 1945.

8 Compiled on February 16th, 1946.

9	<u>YEAR</u>	<u>WOUNDED</u>	<u>KILLED IN ACTION</u>	<u>MISSING</u>	<u>SUB-TOTAL</u>
10	1937	243,232	124,130	-	367,362
11	1938	483,804	249,263	-	733,067
12	1939	176,891	169,651	-	346,542
13	1940	332,318	339,530	-	671,848
14	1941	137,254	144,915	17,314	299,483
15	1942	114,180	87,917	45,070	247,167
16	1943	81,957	43,223	37,715	162,895
17	1944	103,596	102,719	4,419	210,734
18	1945	85,583	57,659	25,608	168,850

19
20 GRAND
TOTAL-1,758,815 1,319,007 130,126 3,207,948"

21 MR. LEVIN: Mr. President.

22 THE PRESIDENT: Mr. Levin.

23 MR. LEVIN: We request at this time that the
24 Tribunal not consider this document in evidence until
25 these figures are substantiated by an official record

1 of some kind.

2 THE PRESIDENT: Well, I can't add to what I
3 have said about it, Mr. Levin.

4 MR. LEVIN: I think the Court has covered it
5 fully. I wanted to make an additional statement for
6 the purpose of the record.

7 THE PRESIDENT: Yes, Colonel Morrow.

8 COLONEL MORROW: If the Court please, I have
9 another document here from the Republic of China which
10 I desire to submit, which is entitled document No.
11 10,103, and with this document there is a certifi-
12 cate here that it was sent by Mr. Li Wei-yuan,
13 Chief, Statistics Bureau, Chungking Municipal Govern-
14 ment to the International Prosecution Section pursu-
15 ant to a request made by the Chinese Division of said
16 section.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution document
19 No. 10,103 will receive exhibit No. 253.

20 (Whereupon, prosecution's exhibit No.
21 253 was received in evidence.)

22 COLONEL MORROW: This document states:

23 (Reading)

24 "Statistics Showing Air Raid Casualties and
25

1 Damages in Chungking during 1938 to 1941.

2 I. Civilian Casualties:

3 Dead 6,596

4 Wounded 9,141

5 Total 15,737."

6 Because of the fluctuation in the Chinese
7 currency, I am not submitting at this time the other
8 figures, if the Court please.

9 If the Court please, shall I defer the state-
10 ment until you see this next paper, sir?

11 THE PRESIDENT: Well, I think you had
12 better deal with the next paper.

13 COLONEL MORROW: If the Court please, I have
14 a paper here that purports to be an Annals of Japanese
15 Military Aggressions in China. The statement is at
16 the bottom of the document to this effect: "The
17 above annals are compiled from the files of our
18 ministry and authenticated. Dated, 17 June 1946,
19 Tokyo." Signed "Major General Lee Li-bai, Chief,
20 1st Section, 2nd Department (Intelligence) Ministry
21 of Military Operations, Republic of China."

22 And I have also a certificate here to this
23 effect: "I hereby certify that the information
24 contained in International Prosecution Section
25 document No. 1948, entitled 'Annals of Japanese

1 Military Aggression in China' was compiled from the
2 files of the First Section, Second Department,
3 Ministry of Military Operations, Republic of China,
4 and is to my knowledge and belief a true and correct
5 copy of the same." Signed "Lee Li-bai, Major General,
6 Chief, First Section, Second Department, Ministry of
7 Military Operations, Republic of China."

8 THE PRESIDENT: Mr. Levin,

9 MR. LEVIN: We object to the use of this
10 document on the ground that this is a summary of
11 incidents many of which, I believe, have not been
12 referred to in the evidence.

13 THE PRESIDENT: In form it complies with
14 Article 15c of the Charter, but it may be that the
15 framers of the Charter never contemplated that events
16 of the importance of these would be proved in this way,
17 but it is a matter of weight, I suppose. If we had
18 to call witnesses about each of these events, if we
19 had to bring witnesses here, well, it may take many
20 years to complete this trial.

21 MR. LEVIN: It does not seem to me that under
22 the Charter that a reference can be made to items, to
23 matters concerning which no evidence is offered at all.
24 It certainly seems to us that a summary of various
25 events, without evidence, cannot have any cogent

1 Military Aggression in China' was compiled from the
2 files of the First Section, Second Department,
3 Ministry of Military Operations, Republic of China,
4 and is to my knowledge and belief a true and correct
5 copy of the same." Signed "Lee Li-bai, Major General,
6 Chief, First Section, Second Department, Ministry of
7 Military Operations, Republic of China."

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22 the Charter that a reference can be made to items, to
23 matters concerning which no evidence is offered at all.
24 It certainly seems to us that a summary of various
25 events, without evidence, cannot have any cogent

1 effect in relation to the trial of this case.

2 THE PRESIDENT: I suppose if you called a
3 Chinese military historian we would hear him on these
4 matters. No, the document is admissible and we admit
5 it subject to the usual terms.

6 (Whereupon, prosecution exhibit No.
7 254 was received in evidence.)

8 We will recess now until half past nine
9 tomorrow morning.

10 (Whereupon, at 1600, an adjournment
11 was taken until Thursday, 8 August 1946, at
12 0930.)

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